

REMARKS

Reconsideration of this application is respectfully requested. Claims 1-23 have been canceled and claims 24-49 are new and are derived from the canceled claims. The amendment is fully supported by the specification, for example, on pages 45-46, paragraphs 119-120. No new matter enters through this amendment.

Applicants have amended the specification to conform with the requirements of 37 C.F.R. §§ 1.821-1.825.

Applicants submit herewith a paper Sequence Listing and a computer-readable copy of the Sequence Listing. The contents of the enclosed paper Sequence Listing and the enclosed computer-readable copy of the Sequence Listing are the same. This submission, filed in accordance with 37 C.F.R. § 1.821(g), does not contain new matter.

Claims 1, 3, 4, 12, and 16 were objected to for not reflecting the restriction requirement in the recitation of "compositions comprising RVVPs." New claims 24-49 do not recite "compositions comprising RVVPs." Accordingly, this objection is moot.

Claims 1, 3, 4, 12, and 16 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner alleges that the use of the terms "immunogenic composition" and "optionally testing" is confusing and that the references to selecting plasmids for their fusogenic properties and an exogenous MHC-I pathway are also confusing.

Applicants thank the Examiner for the telephonic interview of August 3, 2004, in which the rejection under 35 U.S.C. § 112, second paragraph, was discussed. Applicants have incorporated the Examiner's suggested amendments for overcoming this rejection into new claims 24-49. Claims 24-49 do not recite an "immunogenic

composition" or "optionally testing." Claims 24-49 do not refer to selecting plasmids for their fusogenic properties and the nature of the exogenous MHC-I pathway has been clarified. Accordingly, applicants respectfully request withdrawal of the rejection.

Applicants respectfully submit that the application is in condition for allowance. Should the Examiner disagree, he is invited to contact the undersigned to discuss any remaining issues.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 4, 2004

By:



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